IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8918 OF 2005

Mohammed Tabarak Hussein Petitioner

versus

Municipal Corpn. of Greater Mumbai Respondent

Mr.Firoz A. Ansari for petitioner.

Mr.A.M.Saraogi for respondent no.2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th February 2006

PC :

1. Heard Shri Ansari for the petitioner. I have perused with his assistance the order passed on Review Petition No.8 of 2005 in Chamber Summons No.922 of 2004 in L.C.Suit No.4049 of 1996.

2. The City Civil Court, Mumbai on 19th September 2004 granted Chamber Summons No.922 of 2004 in terms of prayer clause (a) and the respondent no.2 to the present petition was directed to be impleaded as defendant no.3 in the abovementioned suit which is filed by the

petitioner-plaintiff.

3. The petitioner firstly invoked this Court's jurisdiction and thereupon withdrew the writ petition with a liberty to file a review petition. The review petition has also been dismissed by the City Civil Court vide order dated 10th October 2005.

4. After hearing Shri Ansari and perusing these orders, the Court below was in no error in directing that the respondent no.2 be impleaded as defendant no.3 to the suit. This finding is recorded after the Court below was satisfied that the presence of respondent no.2 herein would be necessary to effectively and properly adjudicate upon the controversy in the suit. There are disputes as to whether plaintiff or respondent no.2 is entitled to the said immovable property, where the stall is purportedly put up and later on demolished. Petition dismissed. At the request of Shri Ansari, time to carry out the amendment is extended by two weeks.

(S.C.DHARMADHIKARI, J.)